

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

In re the application of: Blissard et al.  
For: GP64-NULL BACULOVIRUSES PSEUDOTYPED WITH HETEROLOGOUS  
ENVELOPE PROTEINS FOR GENE THERAPY  
Filed: 06/20/2003  
Application No.: 10/600,900  
Art Unit: 1636  
Attorney Docket No.: BTI-47CON

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this information Disclosure Statement

1.  Preliminary Statements
2.  FORM PTO - 1449 (Modified)
3.  Statement As To Information Material To Examination Not Found in Patents or Publications
4.  Identification of Prior Application In Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted.
5.  Cumulative patents or Publications
6.  Copies of Listed Information Items Accompanying This Statement
7.  Concise Explanation of Non-English Language Listed Information Items.
8.  Translation(s) of Non-English Language Documents
9.  Certification under MPEP 609(e)
10.  Identification of Person(s) Making This Information Disclosure Statement

---

### CERTIFICATE OF MAILING

[X] Certified Mail No.: 7002 0860 0005 0313 7495

Date: September 2, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service, return receipt requested in an envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450 on this date.

09/08/2004 SMINASS1 00000089 10600900

02 FC:1806

180.00 0P

Justin Wood

## **Section 1. Preliminary statements**

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2. Form PTO - 1449 (Modified) (SEE ATTACHMENT)**

\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through citation if not in conformance or not considered. Include a copy of this form with the next communication to applicant.

## **Section 3. Statement As To Information Material For Examination Not Found in Patents or Publications (Information not listed in PTO 1449)**

## **Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted**

## **Section 5. Cumulative Patents or Publications**

Item(s)

are cumulative of the following patents or publication listed on Form PTO 1449 (modified):

In accordance with 37 CFR 1.98(c) a copy of \_\_\_\_\_ is being submitted with this information disclosure statement.

## **Section 6. Copies of Listed Information Items Accompanying This Statement**

Legible copies of all items listed accompany this information statement.

Exception(s) to above:

- Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.
- Cumulative patents or publications identified in Section 5.

## **Section 7. Concise Explanation of Non-English Language Listed Information Items**

## **Section 8. Translation(s) of Non-English Language Documents**

- Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:
- No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- The following foreign language documents submitted are believed to be the equivalent or

substantial equivalent of the English language documents identified below, which are also submitted herewith.

#### Section 9. Certification under Rule 1.97

The undersigned hereby certifies that:

- a. This Statement is being filed after the latest of (1) three months after the filing date of a national application; (2) three months after the date of entry of the national stage as set forth in w 1.491 in an international application; (3) the mailing date of a first Office action on the merits.
- b. The fee set forth in §1.17(p)

Is being paid with this Information Disclosure Statement

Is not due because:

- (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.

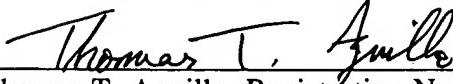
#### Section 10. IDENTIFICATION OF PERSON(S) MAKING THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(a)  the inventor(s) who signs below

(b)  the attorney who signs below on the basis of:

- the information supplied by the inventor(s)  
 an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).  
 the information in the attorney's file

  
\_\_\_\_\_  
Thomas T. Aquilla, Registration No. 43,473

BROWN & MICHAELS, PC

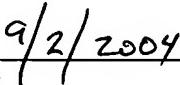
400 M&T Bank Building, 118 N. Tioga Street

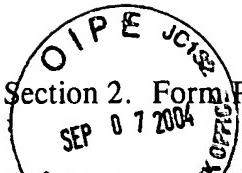
Ithaca, New York 14850-4343

Voice: (607) 256-2000 Fax: (607) 256-3628

e-mail: bpm@bpmlegal.com

Customer number: 020808

  
\_\_\_\_\_  
Date:



Section 2. Form PTO - 1449 (Modified) (ATTACHMENT)

FORM PTO-1449 U.S. DEPT. OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE	ATTY DOCKET NO. BTI-47CON	SERIAL NO. 10/600,900
	APPLICANT Blissard et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE 6-20-2003	GROUP 1636

**U.S. PATENT DOCUMENTS**

Exam Initial		DOCUMENT NUMBER	DATE	PATENTEE	CLASS	SUB	FILING DATE IF APPROPR

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

Exam Initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB	TRANSLATION YES   NO

**OTHER PRIOR ART**

Exam Initial		Author, Title, Date, Pertinent Pages, Etc
	AG	Arrienne et al., Gene Therapy 717: 1499-1503 (2000)
	AH	Boyce et al., "Baculovirus-mediated gene transfer into mammalian cells" Proc. Natl. Acad. Sci. USA 93, 2348-52 (1996)
	AI	Condreay et al., "Transient and stable gene expression in mammalian cells transduced with a recombinant baculovirus vector." Proc. Natl. Acad. Sci. USA 96:127-132 (1999)
	AJ	Delaney et al., "Use of the hepatitis B virus recombinant baculovirus-Hep G2 system to study the effects of beta 2',3' dideoxy 3' thiacyidine on replication of hepatitis B virus and accumulation of covalently closed circular DNA" Antimicrob. Agents Chemother. 43, 2017-26 (1999)
	AK	Hofmann et al., "Baculovirus mediated gene therapy in the presence of human serum or blood facilitated by inhibition of the complement system" Gene Ther. 5,531-6 (1998).
	AL	Hofmann et al., "Efficient gene transfer into human hepatocytes by baculovirus vectors." Proc. Natl. Acad. Sci. USA 92:10099-10103 (1995)
	AM	Li Ma et al., Baculovirus-Mediated Gene Transfer Into Pancreatic Islet Cells Diabetes 49(12): 1986-1992 (2000)
	AN	Sarkis er al., Proc. Natl. Acad. Sci. USA 97:14638-14643 (2000)
	AO	Murges et al., "Baculovirus transactivator IE1 is functional in mammalian cells." J. Gen. Virol 78:1507-1510 (1997)
	AP	Palombo et al., "Site-specific integration in mammalian cells mediated by a new hybrid baculovirus-adeno-associated virus vector." J. Virol. 72:5025-5034 (1998)
	AQ	Prieto et al., "The promise of gene therapy in gastrointestinal and liver diseases." Gut 52:ii49 (2003).
	AR	Primrose, et al., "Principles of Gene Manipulation, 6 <sup>th</sup> Ed." Chapter 10, Blackwell Publishing (2002)
	AS	Sandig et al., "Gene transfer into hepatocytes and human liver tissue by baculovirus vectors." Human Gene Ther. 20,1937-45 (1996)
	AT	Shoji et al., "Efficient gene transfer into various mammalian cells, including non-hepatic cells, by baculovirus vectors." J. Gen. Virol. 78:2657-2664 (1997)
	AU	Song et al., "Combination treatment for osteosarcoma with baculoviral vector mediated gene therapy (p53) and Chemotherapy (adriamycin)" Experimental and Molecular Medicine, Vol. 33(1): 46-53 (March 2001)

EXAMINER	DATE CONSIDERED